

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

CHARLES A. RIPPY-BEY, )  
Petitioner, )  
v. ) 1:12CV1188  
STATE OF NORTH CAROLINA, )  
Respondent. )

ORDER

The Recommendation of the United States Magistrate Judge was filed in accordance with 28 U.S.C. § 636(b) and, on November 7, 2012, was served on the parties in this action. No objections were filed within the time limits prescribed by § 636.

The Court hereby adopts the Magistrate Judge's Recommendation.

**IT IS THEREFORE ORDERED** that this action is filed and dismissed *sua sponte* without prejudice to Plaintiff filing a new complaint, on the proper § 2254 forms and in the proper district, which corrects the defects cited in the Magistrate Judge's Recommendation. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 7th day of December, 2012.



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UNITED STATES DISTRICT JUDGE